

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION</p> <p>HEATHER PATTERSON, a minor, by) and through RAY PATTERSON and) DEANNA PATTERSON, her parents) and next friends,) Plaintiffs,) Case No.: -vs-) 09 CV 4058 LANE & LANE, LLC, and) STEPHEN I. LANE,) Defendants.)</p> <p>The deposition of STEPHEN LANE, called as a witness herein for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before ROSANNE M. NUZZO, a Notary Public within and for the County of Will, State of Illinois, and a Certified Shorthand Reporter of said state, at the law offices of Coleman Law Firm, Suite 4800, 77 West Wacker Drive, Chicago, Illinois on Wednesday, May 19, 2010, at approximately 10:57 a.m.</p>	<p style="text-align: center;">3</p> <p>10:57:23 1 MR. SCHILTZ: Are you ready?</p> <p>10:57:31 2 (WHEREUPON, the witness was duly</p> <p>10:57:31 3 sworn.)</p> <p>10:57:33 4 THE COURT REPORTER: Thank you.</p> <p>10:57:33 5 STEPHEN LANE,</p> <p>10:57:33 6 called as a witness herein, having been first duly</p> <p>10:57:33 7 sworn, was examined and testified as follows:</p> <p>10:57:34 8 EXAMINATION</p> <p>10:57:34 9 BY MR. SCHILTZ:</p> <p>10:57:34 10 Q. State your name for the record, please.</p> <p>10:57:35 11 A. Stephen Lane.</p> <p>10:57:37 12 Q. Mr. Lane, you're an attorney, is that</p> <p>10:57:40 13 right?</p> <p>10:57:40 14 A. Correct.</p> <p>10:57:41 15 Q. So it's safe to assume you've been in a</p> <p>10:57:43 16 deposition before?</p> <p>10:57:44 17 A. I have.</p> <p>10:57:45 18 Q. You understand all the drills and how</p> <p>10:57:46 19 it works and everything?</p> <p>10:57:48 20 A. I presume so.</p> <p>10:57:51 21 Q. Have you ever had your deposition taken</p> <p>10:57:52 22 before?</p> <p>10:57:52 23 A. Yes.</p> <p>10:57:52 24 Q. How many times?</p>
<p style="text-align: center;">2</p> <p>1 PRESENT:</p> <p>2 THE COLEMAN LAW FIRM,</p> <p>3 (77 West Wacker Drive, Suite 4800,</p> <p>4 Chicago, Illinois 60601-1812</p> <p>5 312-444-1000), by:</p> <p>6 MR. EUGENE J. SCHILTZ,</p> <p>7 eschiltz@colemanlawfirm.com, and</p> <p>8 MS. CASSANDRA A. CROTTY,</p> <p>9 ccrotty@colemanlawfirm.com,</p> <p>10 appeared on behalf of the Plaintiff;</p> <p>11</p> <p>12 KONICEK & DILLON, P.C.,</p> <p>13 21 West State Street,</p> <p>14 Geneva, Illinois 60134,</p> <p>15 630-262-9655), by:</p> <p>16 MR. DANIEL FRANCIS KONICEK,</p> <p>17 dkonicek@konicekdillonlaw.com, and</p> <p>18 MR. MICHAEL PATRICK HANNIGAN,</p> <p>19 mhannigan@konicekdillonlaw.com,</p> <p>20 appeared on behalf of the Defendant.</p> <p>21</p> <p>22</p> <p>23 REPORTED BY: ROSANNE M. NUZZO, CRR, RPR,</p> <p>24 CSR License No. 84-1388.</p>	<p style="text-align: center;">4</p> <p>10:57:54 1 A. Once.</p> <p>10:57:55 2 Q. When was that?</p> <p>10:57:57 3 A. It was a few years ago. I was a</p> <p>10:58:00 4 plaintiff in a case.</p> <p>10:58:01 5 Q. And what was the nature of the case?</p> <p>10:58:03 6 A. A car accident.</p> <p>10:58:07 7 Q. Why don't you give me real quickly your</p> <p>10:58:09 8 background, just starting with college, basically:</p> <p>10:58:14 9 Or you might as well give me high school. Where</p> <p>10:58:16 10 did you go to high school?</p> <p>10:58:17 11 A. Pardon me?</p> <p>10:58:17 12 Q. Where did you go to high school?</p> <p>10:58:19 13 A. I went to Highland Park High School for</p> <p>10:58:21 14 my freshman year. In the middle of my freshman</p> <p>10:58:24 15 year, we moved to Glencoe, and I then went to</p> <p>10:58:26 16 New Trier East, where I graduated in 1971; went to</p> <p>10:58:31 17 University of Illinois at Champaign undergrad from</p> <p>10:58:34 18 '71 to '75, graduated then; went to Kent Law</p> <p>10:58:40 19 School in Chicago from '75, graduated in '78.</p> <p>10:58:47 20 Q. Are you married?</p> <p>10:58:47 21 A. Yes.</p> <p>10:58:49 22 Q. Any children?</p> <p>10:58:50 23 A. Yes.</p> <p>10:58:50 24 Q. How old?</p>

EXHIBIT

B

25			27		
11:25:53	1	BY MR. SCHILTZ:	11:29:01	1	Q. Yes.
11:25:54	2	Q. Do you have a recollection at all,	11:29:02	2	A. That tells me that at least by that
11:25:58	3	in general, of when the agreement came in?	11:29:04	3	point, we had not gotten the retainer back yet.
11:26:01	4	A. I know it was months later.	11:29:09	4	Q. Yes.
11:26:04	5	Q. Months --	11:29:10	5	A. Deanna said in July, on July 17th, that
11:26:04	6	A. I don't know.	11:29:19	6	she mailed the original papers around April 11th,
11:26:05	7	Q. -- even after you wrote the letter	11:29:22	7	okay? And she was asking for us to e-mail it
11:26:09	8	asking for it? After you wrote Exhibit 3?	11:29:29	8	again to her so that she could send it back to us.
11:26:22	9	A. I don't want to mislead you, and	11:29:33	9	On July 17th, I sent her a post that said that
11:26:24	10	I don't have a specific recollection, but my --	11:29:39	10	I would have my secretary send her another one.
11:26:29	11	my gut feeling is that it took some time even	11:29:46	11	The July 17th note about this "Jenny,"
11:26:32	12	after this letter (indicating).	11:29:56	12	I'm not sure who that is. I don't know if that's
11:26:34	13	Q. Okay.	11:29:58	13	somebody from the Record Service or -- or what.
11:26:45	14	A. And as I say, I'll be glad to look	11:30:05	14	If you have -- if you have anything
11:26:48	15	through the file and tell you exactly.	11:30:06	15	that shows us receiving the agreement, I'll be
11:26:59	16	(WHEREUPON, a certain document was	11:30:10	16	glad to accept it as whenever it was. I don't
11:26:59	17	marked Deposition Exhibit No. 5,	11:30:13	17	remember specifically. And I know we have notes
11:26:59	18	for identification, as of	11:30:16	18	as to when it came in, but I just don't remember
11:27:05	19	5/19/10.)	11:30:19	19	off the top of my head.
11:27:05	20	BY MR. SCHILTZ:	11:30:26	20	Q. The only thing I was trying to get out
11:27:05	21	Q. Exhibit 5 is an e-mail string. You've	11:30:28	21	of you, and I'm not sure yet if we're still on the
11:27:17	22	seen these before, I take it? Not these exhibits,	11:30:32	22	same page, is: It looks to me from the e-mail on
11:27:21	23	this whole series of e-mails; not the specific	11:30:35	23	the first page, as of July 19th, that you have the
11:27:24	24	e-mail. But when I say an "e-mail string," do you	11:30:42	24	agreement or are satisfied that you have what you
26			28		
11:27:27	1	know what I mean?	11:30:46	1	need from the Pattersons. Does that seem accurate
11:27:29	2	A. There were many.	11:30:49	2	to you?
11:27:29	3	Q. Pardon?	11:30:50	3	A. I don't know. I can't tell from this
11:27:30	4	A. There were many.	11:30:53	4	(indicating). There are specific notes that say
11:27:31	5	Q. Right. So it's familiar to you, and	11:30:57	5	that we got the retainer agreement, or something
11:27:32	6	you understand you've got to sort of start at the	11:31:00	6	to that effect, and you have that. So whatever it
11:27:34	7	back and work forward?	11:31:05	7	says is what the fact is.
11:27:36	8	A. Um-hum.	11:31:09	8	Q. We'll come back to that. It's not that
11:27:39	9	Q. I just want to see if this refreshes	11:31:11	9	big of a deal at this point. We'll come back to
11:27:41	10	your recollection at all of the timing here.	11:31:14	10	it.
11:28:35	11	(Short pause.)	11:31:15	11	All right. At some point, you got the
11:28:35	12	BY THE WITNESS:	11:31:19	12	retainer agreement, and you were proceeding with
11:28:35	13	A. Okay.	11:31:23	13	the things you needed to do. Had you made a
11:28:36	14	BY MR. SCHILTZ:	11:31:28	14	decision at that point to file the case?
11:28:36	15	Q. Would you agree with me that it appears	11:31:32	15	A. When?
11:28:38	16	from the July 19th e-mail, that by July 19th,	11:31:32	16	Q. When you got the retainer agreement.
11:28:43	17	2002, you had the agreement?	11:31:36	17	A. No. I think we made the decision at
11:28:48	18	A. I'll tell you what this series of	11:31:39	18	that point to investigate the case.
11:28:50	19	things tells me.	11:31:42	19	Q. What do you do to investigate the case?
11:28:52	20	Q. What does it tell you?	11:31:45	20	A. We have the clients give us as much
11:28:54	21	A. If we start at the last page --	11:31:49	21	information as they can.
11:28:55	22	Q. Right.	11:31:50	22	Q. Let's stop right there. How does that
11:28:56	23	A. -- there's a -- there's a post	11:31:52	23	take place?
11:28:59	24	April 11th of 2002.	11:31:54	24	A. Well, in the first letter that I had

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12:11:32	1	Q. Exhibit 7?	12:15:12	1	ago -- remember how we started down this road?
12:11:34	2	A. -- that's on Exhibit 7. And I think	12:15:16	2	I asked you what you remembered about the story
12:11:36	3	that the information in the top part of Exhibit 7,	12:15:19	3	the Pattersons told you about what happened at the
12:11:40	4	I think, came from that fax that we initially got	12:15:23	4	birth.
12:11:45	5	from the Reiter firm. And then I just modified it	12:15:24	5	A. Sure.
12:11:52	6	a little bit for the purpose of the letter.	12:15:25	6	Q. Candidly, you gave me a very little bit
12:12:07	7	Q. Before you filed the case, did you talk	12:15:28	7	of information about what you remember and said,
12:12:12	8	to the Pattersons about the events that are	12:15:30	8	"Could I see my notes?" And I'm trying to find
12:12:18	9	described in Exhibit 8?	12:15:34	9	some notes to refresh your recollection about what
12:12:22	10	A. I assume I did.	12:15:37	10	story the Pattersons told you --
12:12:26	11	Q. But you don't have any recollection of	12:15:39	11	A. Okay.
12:12:27	12	doing so?	12:15:41	12	Q. -- at the time you took their case,
12:12:28	13	A. I've had so many conversations with	12:15:42	13	okay?
12:12:30	14	both of the Pattersons, I really don't have a	12:15:42	14	A. Sure.
12:12:35	15	specific recollection of the timing of them,	12:15:44	15	Q. Really, what I'm trying to get at is
12:12:41	16	between conversations and e-mails and letters.	12:15:46	16	baseline to start with is: Is this letter that
12:12:45	17	Q. Is it reasonable for me to assume that	12:15:50	17	you wrote to Edelberg essentially what the
12:12:47	18	when you wrote Exhibit 8 to Dr. Edelberg on May 6,	12:15:53	18	Pattersons told you happened at the time of the
12:12:53	19	2003, you were communicating to him what you	12:15:56	19	birth?
12:12:58	20	considered to be the most relevant facts that you	12:16:14	20	A. For instance, the statement that
12:13:00	21	knew at that time?	12:16:15	21	"No McRoberts was done," I doubt very much that
12:13:15	22	A. I guess the best way that I -- that	12:16:19	22	the Pattersons told me that statement.
12:13:17	23	I can respond is that these were -- these were,	12:16:20	23	Q. Where would you have gotten that
12:13:27	24	quote, "facts" which either I was told or I had	12:16:22	24	information?
58			60		
12:13:31	1	read from the account from the referring attorney	12:16:22	1	A. Probably from the summary that I got
12:13:36	2	or I saw suggested in the records. And that's why	12:16:28	2	from the referring source because as I recall,
12:13:43	3	I said: "Please disregard anything that is not	12:16:33	3	I think the medical records -- I think the medical
12:13:45	4	supported by the record."	12:16:38	4	records indicated that McRoberts was done. And
12:13:51	5	Q. The record will reflect -- and you can	12:16:45	5	that was one of the things that was different
12:13:58	6	check Exhibit 6, if you want -- that you filed the	12:16:48	6	about what the Pattersons were saying versus what
12:14:06	7	Complaint on March 12th, 2003, right?	12:16:50	7	the medical records said.
12:14:09	8	A. Yes.	12:16:52	8	Q. I understand that. You keep wanting to
12:14:10	9	Q. So this is two months later that you	12:16:55	9	jump ahead and tell me about the differences, but
12:14:12	10	wrote your letter to Edelberg, describing the	12:16:57	10	I need to understand what your clients told you
12:14:19	11	situation?	12:17:03	11	before we can talk about what other people said
12:14:20	12	A. Right.	12:17:06	12	about what your clients told you.
12:14:25	13	Q. Is it reasonable for me to assume that	12:17:08	13	A. I understand what you'd like me to do;
12:14:30	14	you knew the stuff that's in Exhibit 8 at the time	12:17:10	14	and if I could, I'd be happy to.
12:14:32	15	you filed the Complaint? You had the facts that	12:17:11	15	Q. Well, we will keep working at it.
12:14:35	16	you put in Exhibit 8 at the time you filed the	12:17:14	16	A. I don't have the ability to tell you
12:14:39	17	Complaint two months previously?	12:17:16	17	what I know from what my clients told me versus
12:14:45	18	A. The only reason I hesitate is, when you	12:17:19	18	what I read from our referring attorneys versus
12:14:49	19	asked me if I know these facts, obviously, some of	12:17:22	19	what I read in the records. This was seven years
12:14:55	20	it was disputed and other people said weren't	12:17:26	20	ago.
12:14:59	21	facts at all.	12:17:27	21	Q. All right. Well, okay.
12:15:01	22	Q. I understand that, and that's actually	12:17:35	22	A. I'd be glad to tell you anything I can.
12:15:04	23	where I'm trying to get to if we could get to a	12:17:47	23	Q. All right. In paragraph 3 of this
12:15:07	24	baseline to start from, okay? Because a minute	12:18:07	24	letter, you preface it by saying: